

**SPECIAL TOWN MEETING WARRANT  
TOWN OF ASHBURNHAM  
COMMONWEALTH OF MASSACHUSETTS**

WORCESTER, SS

TO THE CONSTABLES OF THE TOWN OF ASHBURNHAM, IN WORCESTER COUNTY,

GREETINGS:

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, YOU ARE HEREBY DIRECTED TO NOTIFY AND WARN THE INHABITANTS OF SAID TOWN QUALIFIED TO VOTE IN ELECTIONS AND TOWN AFFAIRS TO MEET AT OVERLOOK REGIONAL MIDDLE SCHOOL TEAM ROOM, 10 OAKMONT DRIVE, ASHBURNHAM, MA ON

**TUESDAY, THE 30<sup>th</sup> OF OCTOBER, 2018  
BEGINNING AT 7:00 P.M.**

THEN AND THERE TO VOTE ON THE FOLLOWING ARTICLES AND RESOLUTIONS:

**ARTICLE 1.      TRANSFER FROM CAPITAL IMPROVEMENT FUND- AWRSD**

To see if the Town will vote to transfer from the Capital Improvement Fund the sum of \$88,555 to fund the recommendation of the Capital Planning Committee and to be spent under the supervision of the Ashburnham-Westminster Regional School District for the following districtwide capital projects;

1	37,680	Security System Phase 2
2	5,770	Section C – Exterior Board Replacement
3	11,047	Section D – Exterior Board Replacement
4	4,230	Generator Fuel Tank
5	16,975	Locker Replacement – 7 <sup>th</sup> Grade Wing
6	8,003	Ride on Floor Scrubber
7	4,850	Replace Flooring

or act in relation thereto.

*(Requested by Capital Improvement Committee)*

**ARTICLE 2.      CAPITAL TRANSFER FROM CAPITAL IMPROVEMENT FUND - TOWN**

To see if the Town will vote to transfer from the Capital Improvement Fund the sum of \$140,132 to fund the recommendation of the Capital Planning Committee to include the following:

1	28,813	Hot Box
2	71,500	SCBA Gear (3 year lease to purchase- replaces outdated gear)
3	39,999	Volvo Loader (5 year lease to purchase – replaces 2003 loader)

and to authorize the Board of Selectmen to enter into lease purchases for the SCBA Gear (Item #2) for up to three (3) years, and the Volvo Loader (Item #3) for up to five (5) years, and to sell, trade in or otherwise dispose of any equipment being replaced, or act in relation thereto.

*(Requested by the Capital Improvement Committee)*

**ARTICLE 3.      TRANSFER FUNDS - PAVEMENT MANAGEMENT UPDATE**

To see if the Town will vote to transfer from available funds the sum of \$25,000 to fund a Pavement Management Plan Update, or act in relation thereto.

*(Requested by Town Administrator)*

**ARTICLE 4.      TRANSFER FUNDS - POLICE DEPT CLEANING SYSTEM**

To see if the Town will vote to transfer from available funds the sum of \$5,800 to replace the Police Department's Gun Cleaning System that has come to the end of its life, or act in relation thereto.

*(Requested by Town Administrator)*

**ARTICLE 5.      TRANSFER FUNDS – REPLACE/REPAIR TOWN HALL GUTTERS**

To see if the Town will vote to transfer from available funds the sum of \$35,000 to replace/Repair Town Hall's Gutters, or act in relation thereto.

*(Requested by Town Administrator)*

**ARTICLE 6.      TRANSFER FUNDS- HIGHWAY STAFFING**

To see if the Town will vote to transfer from available funds the sum of \$50,000 to fund a new position at the DPW from January through June 2019, or act in relation thereto.

*(Requested by Town Administrator)*

**ARTICLE 7.      TRANSFER FUNDS - OPEB**

To see if the Town will vote to transfer from available funds the sum of \$20,000 to the Town's Other Post Employment Benefits (OPEB) Trust, or act in relation thereto.

*(Requested by Town Administrator)*

**ARTICLE 8.      STREET ACCEPTANCE – HEMLOCK DRIVE**

To see if the Town will vote to accept as a public way the subdivision road known as Hemlock Drive as shown on the plan entitled "Cashman Hill Estates" Subdivision Plan of Land in Ashburnham, MA Drawn for Benjamin Builders, Inc. prepared by McCarthy Engineering, Inc. dated January 3, 2006 recorded in the Worcester North District Registry of Deeds in Plan Book 5267 Page 257 and Book 5526 Page 100, or act in relation thereto.

*(Requested by Planning Board)*

**ARTICLE 9. ZONING BYLAWS- RECREATIONAL MARIJUANA**

To see if the town will vote to amend the zoning by-laws of Ashburnham by adding a new Chapter \_\_\_\_, "Recreational Marijuana," as written in attachment A, or act in relation thereto.

*(Requested by Planning Board)*

**ARTICLE 10. GENERAL BYLAWS- NUISANCE**

To see if the town will vote to amend the general by-laws of Ashburnham by adding a new Chapter \_\_\_\_, "Public Nuisances," as written in attachment B, or act in relation thereto.

*(Requested by Board of Selectmen)*

## Attachments

### **ATTACHMENT A: MARIJUANA ZONING BYLAW**

#### *1. Purpose.*

- 1.1. To provide for the limited establishment of Adult Use Marijuana Facilities (collectively, known hereafter as Marijuana Facilities) in appropriate places for such use and under conditions in accordance with Chapter 334 of the Acts of 2016, entitled, “Regulation and Taxation of Marijuana Act”, as amended by Chapter 55 of the Acts of 2017, “An Act to Ensure Safe Access to Marijuana”, and all regulations which have or may be issued by the Department of Public Health (“DPH”) and the Cannabis Control Commission (“CCC”), including, but not limited to 935 CMR 500.00, et seq.
- 1.2. To minimize the adverse impacts of Marijuana Facilities on adjacent properties, residential neighborhoods, schools, and other land uses potentially incompatible with Marijuana Facilities.
- 1.3. To regulate the siting, design, placement, safety, monitoring, modification, and removal of Marijuana Facilities.

#### *2. Applicability.*

- 2.1. The commercial: cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Adult Use is prohibited unless licensed by all applicable Massachusetts licensing authorities and permitted as a Marijuana Facility under this Bylaw.
- 2.2. No Marijuana Facility shall be established except in compliance with the provisions set forth herein.
- 2.3. If any provision of this Section or the application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this Section and to this end the provisions of this Section are severable.

#### *3. Administration*

- 3.1. The Board of Selectman shall be the Special Permit Granting Authority (SPGA) for an applicant for a Marijuana Facility.
- 3.2. A special permit is required for Marijuana Facilities where indicated on 3.2 Schedule of Use Regulations under the Ashburnham Zoning By-Laws.

### Article 3.2 Marijuana Use Table

Special Uses	R-A	R-B	G-B	LI-A	LI-B	B	VC-C	VC-R	I	W	WSP
<b>3.24</b> CC. Marijuana Retail	N	N	SP	SP	SP	Y	Y	SP	SP	N	N
H. Growing	Y	Y	Y	Y	Y	Y	N	N	Y	SP	SP
I. Marijuana Processing	SP	SP	Y	Y	Y	Y	SP	N	Y	SP	SP
J. Testing	N	N	N	SP	SP	SP	SP	N	Y	SP	SP

#### 4. *Definitions.*

*Any term not specifically defined herein shall have the meaning as defined in 105 CMR 725.00 and 935 CMR 500.00 as such regulations may from time-to-time be amended.*

**Designated contact persons** – Any and all persons whose names appear on the Special Permit and Formal Site Plan Approval Applications as the applicant’s designee.

**Independent Testing Laboratory** - An entity licensed to test marijuana and marijuana products.

**Locked Area** –An area equipped with locks or other security devices, which is accessible only to consumers 21 years of age or older, employees or owners of a Marijuana Facility or agents thereof, registered qualifying patients that are 18 years or older, or caregivers.

**Marijuana** – The same substance defined as “marihuana” or “marijuana” under Chapter 94C and 94G of the Massachusetts General Laws.

**Marijuana Cultivator** - An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Facilities, but not to consumers.

**Marijuana for Adult Use** – Marijuana that is regulated by 925 CMR 500.00 and cultivated, processed, manufactured, transported or sold for recreational purposes for individuals 21 years of age or older.

**Marijuana Facility** – A commercial marijuana cultivator, independent testing laboratory, product manufacturer, research facility, transporter, retailer, or any other type of licensed marijuana-related business, including a Marijuana Treatment Center.

**Marijuana Product Manufacturer** - An entity licensed to obtain, manufacture, process and package marijuana and marijuana products and to transfer these products to other Marijuana Facilities, but not to consumers.

**Marijuana Products** - Products that have been manufactured and contain marijuana or an extract from marijuana, including, but not limited to concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

**Marijuana Retailer** - An entity licensed to purchase and transport marijuana and marijuana products from Marijuana Facilities and to sell or otherwise transfer marijuana and marijuana products to Marijuana Facilities and to consumers.

**Non-Medical Marijuana**- Any marijuana that is NOT regulated by 105 CMR 725.00 and designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions.

**Non-Retail Marijuana Facilities**- Any licensed entity who is a marijuana cultivator, product manufacturer, independent testing laboratory, research facility, and transporter of marijuana and those engaged in any of the above-listed non-retail uses.

**School/School Building**- The use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes for children through the 12<sup>th</sup> grade. A building for which a certificate of occupancy has been issued at the time of the application to the CCC.

5. *Application Requirements for all Marijuana Facilities.*

5.1. All Marijuana Facilities shall be subject to the application requirements set forth in Rules and Regulations for the Review and Approval of Site Plans and Site Development in Ashburnham for Formal Site Plan Review.

5.2. In addition to the application requirements set forth in the Regulations for Site Plan Review, Site Plan Application and a Special Permit Application (when required) for a Marijuana Facility shall also include the following:

- (a) A statement from the Applicant, setting forth the following information:
  - (i) the name and address of each owner of the Facility.
  - (ii) the source of all marijuana that will be sold or distributed at the Marijuana Facility, if applicable;

- (iii) the source of all marijuana that will be cultivated, processed, and/or packaged at the Marijuana Facility, if applicable;
  - (iv) the quantity of marijuana that will be cultivated, processed, packaged, sold and/or distributed at the Marijuana Facility;
  - (v) Plans must be approved by the Ashburnham Chief of Police and must show all proposed security measures for the Marijuana Facility, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft;
  - (vi) Evidence that the Applicant has site control and the right to use the site for a facility, which evidence may take the form of a deed or valid purchase and sale agreement; or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;
  - (vii) A Management Plan that includes a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to and from the Marijuana Business;
- (b) Additional documentation depending upon the type of organization:
- (i) For a non-profit organization-- a copy of its Articles of Organization, a current Certificate of Legal Existence from the Secretary of the Commonwealth, and the most recent annual report; Or
  - (ii) For a for-profit corporate entity, a copy of its Articles of Incorporation or equivalent documents, a current Certificate of Legal Existence from the Secretary of the Commonwealth, and the most recent annual report.
- (c) Copies of all licenses issued by the CCC or DPH, and any materials submitted to these entities by the Applicant for purposes of seeking licensing.
- (d) A detailed floor plan of the premises of the proposed Marijuana Facility that identifies the square footage available and describes the functional areas of the facility, along with a deed, lease, purchase and sale agreement or other legally-binding document for the site of the proposed Marijuana Facility; and
- (e) The resume(s) of the Applicant, including company history, references, and relevant experience, where applicable.

## 6. Use Requirements

- 6.1. No marijuana shall be smoked, eaten, or otherwise consumed or ingested on the premises of any Marijuana Facility. The prohibition of on-site consumption shall also include private social clubs or any other establishment which allows for social consumption of

marijuana or marijuana products on the premises, regardless of whether the product is sold to consumers on site.

6.2. Marijuana Facilities shall provide the Planning Board and SPGA (when applicable) and all abutters located within 500 feet of the Marijuana Facility with the name, phone number and email address of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the establishment.

6.3. The hours of operation of Retail Marijuana Facilities shall be set by the Planning Board.

## *7. Locational and Physical Requirements*

### *7.1. Eligible Locations for Marijuana Facilities*

- (a) Retail Marijuana Facilities be permitted in certain zoning districts as permitted in the Zoning Bylaw Article 3.2, Schedule of Use Regulations.
- (b) Non-Retail Marijuana Facilities may be permitted in certain zoning districts as permitted in the Zoning Bylaw Article 3.2, Schedule of Use Regulations.

7.2. All aspects of a Marijuana Facility relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.

7.3. No outside storage of marijuana, related supplies, or educational materials is permitted.

7.4. No Retail Marijuana Facility shall have a gross floor area accessible to patients or customers which is in excess of 2,500 square feet. Space which is dedicated to administration or operations and is accessible only to employees of the Retail Marijuana Facility shall not be included in this limitation.

- (a) In the R-A and R-B Districts all Marijuana Facilities shall be subject to siting on a parcel no less than 5 acres. In addition, all Marijuana Facilities in the R-A and R-B districts shall be subject to 100 feet setback distance.

7.5. All Marijuana Facilities shall provide adequate ventilation such that the application of pesticides shall be performed in compliance with M.G.L. c. 132B and the regulations promulgated at 333 CMR 2.00 through 333 CMR 14.00.

7.6. No use shall be allowed at a Marijuana Facility which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration,



flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

7.7. Buffer. No Marijuana Facility shall be located within 500 feet of any building of the following pre-existing uses:

- (a) Any public or private school providing education in kindergarten or grades 1 through 12;
- (b) Natural or manmade features which in the opinion of the Planning Board provide equivalent separation may be substituted for the 500 feet buffer.

7.8. The distance specified above shall be measured by a straight line from the school building to the property line of the proposed Marijuana facility.

7.9. No Marijuana Facility shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

7.10. Signage for Marijuana Facilities will be subject to the Town of Ashburnham Zoning Bylaw Section 5.2 and the provisions for marketing set forth in 935 CMR 500.105 (4).

#### 8. *Reporting Requirements*

8.1. All Permit holders for uses under this section shall provide the Police Department, Fire Department, Building Commissioner, Board of Health, Planning Board, and Special Permit Granting Authority with the names, phone numbers, mailing and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facilities identified as designated contact persons to whom notice should be made if there are operating problems associated with any use under this section. All such contact information shall be updated as needed to keep it current and accurate.

8.2. The designated contact persons shall notify the Police Department, Fire Department, Building Commissioner, Board of Health, Planning Board, and Special Permit Granting Authority in writing a minimum of thirty (30) days prior to any change in ownership or management of a facility regulated under this section.

8.3. All Marijuana Facilities shall file an annual report with the Permit Granting Authority and owner or operations manager for the Marijuana Facility shall appear before said Authority to present the report no later than January 31st of each year, providing a copy of all current applicable state licenses to demonstrate continued compliance with the conditions of the Permit.

- 8.4. Within twenty-four hours of contact by a municipal official concerning the operation of a Marijuana Facility, the designated contact persons shall be required to respond by phone or email to any such inquiry.

9. *Transfer/Discontinuance of Use.*

- 9.1. A Permit granted under this Section is non-transferable and shall have a term limited to the duration of the applicant's ownership or leasing of the premises as a Marijuana Facility.
- 9.2. Any Marijuana Facility permitted under this section shall be required to remove all material, plants, equipment and other paraphernalia upon registration or licensure revocation, expiration, termination, relocation to a new site or any other cessation of operation as regulated by the CCC or DHP in compliance with applicable state regulations.

10. *Outside Consultants and Review Fees.*

- 10.1. An outside consultant review escrow deposit shall accompany the Application for special permit. The escrow for review fees is intended to cover the Planning Board's and Special Permit Granting Authority's potential cost of hiring consultants to review the Applicant's compliance with the permit requirements under this Bylaw to include provisions set forth in Section 5.10 Site Plan Review of the Ashburnham Zoning By-Laws and may include legal counsel. The initial escrow deposit amount shall be set by the Planning Board on a case-by-case basis, when such consultants or counsel are deemed necessary. Any unexpended monies in the escrow account will be returned to the applicant only after all obligations are satisfied. Failure to fulfill escrow requirements may render an Application incomplete and be considered sufficient grounds for its denial.
- 10.2. The Applicant may appeal the selection of a consultant(s) whose fees are to be paid from the escrow deposit to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. Pursuant to M.G.L. c. 44, § 53G, the required time limits for action upon the Application by the Planning Board shall be extended by the duration of the appeal. If no decision is made by the Board of Selectmen within one month following the filing of the appeal, the Planning Board's selection shall stand.
- 10.3. The escrow deposit shall be deposited in a special account established by the Town Treasurer pursuant to M.G.L. c. 44, § 53G. Funds from the special account shall be administered in accordance with M.G.L. c. 44, § 53G, and may be expended only for the purposes described above.

## *11. Findings.*

11.1. The Planning Board shall not issue a permit for a Marijuana Facility unless it finds that:

- (a) the Facility is designed to minimize any adverse visual impacts on abutters and other parties in interest, as defined in G.L. c. 40A, §11;
- (b) the Facility has received a provisional certificate of registration or provisional license from the appropriate licensing authority and is in compliance with all applicable state laws and regulations;
- (c) the applicant has provided a copy of a signed Host Agreement with the Town of Ashburnham, in accordance with M.G.L. Chapter 94G;
- (d) the applicant has provided adequate security measures to protect the health and safety of the public, and that the storage and/or location of cultivation of marijuana is adequately secured in an enclosed, locked area;
- (e) the applicant has adequately addressed issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the facility; and
- (f) a special permit (when required) had been granted.

## *12. Violations.*

Any violation of this Section will be determined by the Board of Selectmen and may include but not be limited to revocation of a permit issued under this Section.

## Attachment B: Nuisance Bylaw

### SECTION I. Purpose

This bylaw is adopted to protect the health, safety, and welfare of the citizens of Ashburnham by preventing blight, protecting property values and neighborhood integrity, protecting the Town's resources, and ensuring the safety and sanitary maintenance of all buildings and structures. Inadequately maintained buildings are at an increased risk for fire, unlawful entry, or other public health and safety hazards.

### SECTION II. Definitions

BUILDING - A structure, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected or framed, of a combination of any materials, to form shelter for persons, animals, or property.

INTERESTED PARTIES - In connection with the notification requirements of this bylaw, interested parties are the owner (s) of the property which is the subject of the hearing; the Town Administrator or his designee; owners of property directly opposite the subject property on any public or private street or way; abutters of the subject property; and abutters of abutters within three hundred feet of the property line of the subject property. Ownership of land shall be determined by the most recent tax list.

NUISANCE - All public nuisances as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health. Specific conditions which may be characterized as nuisances include, without limitation:

- A. Burned structures not otherwise lawfully habitable or usable.
- B. Dilapidated structures.
- C. Dangerous or unsafe structures.
- D. Dead, decayed, diseased or hazardous trees, debris or trash.
- E. Unregistered or abandoned vehicles or discarded vehicle parts which are not reasonably related to a use of the property permitted under current zoning and are not otherwise authorized under the general bylaws.
- F. Commercial vehicles in excess of that permitted under current zoning bylaws.
- G. Construction equipment not being diligently employed in permitted construction activity on site in any residential zoning district which is not reasonably related to a use of the property permitted under the current zoning bylaws and not otherwise authorized under the general bylaws.
- H. Scrap metal.

OWNER - The recorded title holder to the property, or the authorized agent, assignee or representative of said title holder; mortgagee(s) in possession or any agent or trustee duly appointed by a court.

OCCUPANT -The person or entity occupying or in control of such property.

STRUCTURE -A combination of materials assembled at a fixed location to give support or shelter such as a building, framework, retaining wall, viewing stand, platform, bin, fence, sign, flagpole, or mast for an antenna or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part or parts thereof."

### SECTION III. Investigation

The [Town Administrator or Board of Selectmen] shall, upon written complaint, have any condition inspected which may constitute a nuisance by assigning the investigation to one or more Town board, commission or official who, in the [TA OR BOS's] judgment is the most appropriate investigating authority(s) Such boards, commissions and officials (Investigating Official) shall have access to the property where the condition may exist in accordance with and to the extent that such access is or may otherwise be permitted by applicable law, including but not limited to applying to a court of competent jurisdiction for administrative warrants.

### SECTION IV. Order

If, following such investigation, it is determined by the Investigating Official that the reported condition constitutes a nuisance, the Investigating Official may make such Orders as he deems necessary to abate the nuisance.

### SECTION V. Service

Said Orders shall be in writing and shall be served upon all Owners and Occupants as can be determined after reasonable inquiry. Such service shall be accomplished by delivering a copy of the Order(s) by a person qualified to serve civil process, who shall forthwith serve an attested copy thereof as provided in G.L. c. 111, § 124.

### SECTION VI. Hearing

Any person aggrieved by an Order of an Investigating Official may request a hearing before the Board of Selectmen. Said request shall be in writing and must be received by the Board of Selectmen within ten (10) days of issuance of the Order.

A copy of the hearing request shall also be delivered to all Interested Parties, and the complainant if different from an Interested Party, within fourteen (14) days of the date the hearing request is filed with the Board of Selectmen. It shall be the responsibility of the person requesting the hearing to demonstrate that all Interested Parties, and the complainant if different from an Interested Party, have been notified of the hearing request. If no such request is received within the time specified herein, the Order shall be final.

A hearing request shall not constitute a stay of the Order unless the Investigating Officer so orders.

Upon receipt of a timely request, the Board of Selectmen shall, at the expense of the party requesting such hearing, hold a public hearing and provide written notice of the time and place of such public hearing to all Interested Parties and the complainant if different from an Interested Party. Such public hearing shall be held as soon as practicable, but in any event, upon no less than ten (10) days written notice as provided herein.

At such hearing the Board of Selectmen shall hear testimony under oath of any Interested Party, and the complainant if different from an Interested Party, to determine whether nuisance conditions exist. Based on the credible evidence and testimony presented at said public hearing, the Board of Selectmen may affirm the Investigating Official's Order, reverse and nullify the Order, or issue any such Order as it deems necessary to ensure the abatement of the nuisance. The determination of the Board of Selectmen after such hearing shall be final.

#### SECTION VII. APPEAL TO COURT

Any party aggrieved by a final determination of the Board of Selectmen as provided in this bylaw may appeal to a court of competent jurisdiction in accordance with the applicable law. Such laws include, but are not limited to; G.L. c. 139, § 2, G.L. c. 249, § 4, and G.L. c. 260, § 1. Where the town elects to impose a penalty by non-criminal disposition as set forth in Section VIII, appeals are governed by G.L. c. 40, §21D and may be pursued as set forth therein.

#### SECTION VIII. Penalties

Any person who violates this bylaw may be penalized by non-criminal disposition as provided by G.L. c. 40, § 21D and the Town's Non- Criminal Disposition bylaw. If non-criminal disposition is elected, then any person who violates the provisions of this bylaw shall be subject to penalties as follows:

First Offense – twenty- five dollars (\$25.00)

Second Offense – fifty dollars (\$50.00)

Third Offense – one hundred dollars (\$100.00)

Fourth and Further Offenses – three hundred dollars (\$300.00)

Each day or portion thereof shall constitute a separate offense. Each nuisance condition found to exist shall constitute a separate offense.

Whoever violates any provision of this bylaw may be penalized by indictment or on complaint brought in a court of competent jurisdiction. The town may enforce this bylaw or enjoin

violations thereof through any lawful process, and the election of one remedy by the town shall not preclude enforcement through any other lawful means.

#### SECTION IX. Administration

The Enforcing Official shall each month provide the Board of Selectmen with a written report setting forth; (1) each complaint under investigation, (2) the location and nature of the complaint and, (3) the status of the investigation. Once completed, a copy of the Enforcing Official's report shall be filed with the Board of Selectmen.

#### SECTION IX. Other Laws

Nothing in this bylaw is intended to limit or restrict the authority of any town board, commission or officer to act in accordance with federal, state and local laws within their jurisdiction.

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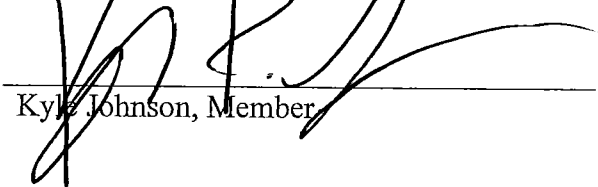
And you are hereby directed to serve this warrant in accordance with the provisions of Section 3, Chapter II of the Town By-Laws by posting attested copies thereof as therein provided.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

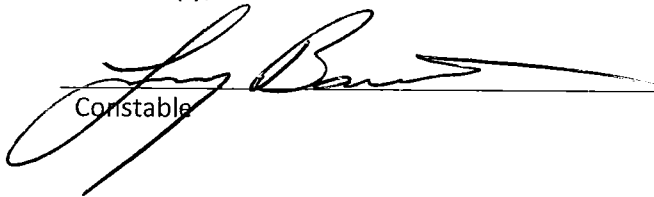
*Given under our hands this 15<sup>th</sup> day of October, 2018.*

  
John Mulhall, Chairman

  
Rosemarie Meissner, Clerk

  
Kyle Johnson, Member

A True Copy, Attest:

  
Constable

10/16/18  
Date